

## § 175.5

(3) Operated as an uninspected passenger vessel subject to the requirements of 46 CFR chapter I, subchapter C.

*Passenger* means an individual carried on a vessel except—

(1) The owner or an individual representative of the owner or, in the case of a vessel chartered without a crew, an individual charterer, or an individual representative of the charterer;

(2) The master or operator of a recreational vessel; or

(3) A member of the crew engaged in the business of the vessel, who has not contributed consideration for carriage, and who is paid for onboard services.

*Racing shell, rowing scull, racing canoe, and racing kayak* means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

*Recreational vessel* means any vessel being manufactured or operated primarily for pleasure, or leased, rented, or chartered to another for the latter's pleasure. It does not include a vessel engaged in the carriage of passengers-for-hire as defined in 46 CFR chapter I, subchapter C, or in other subchapters of this title.

*Sailboard* means a sail propelled vessel with no freeboard and equipped with a swivel mounted mast not secured to a hull by guys or stays.

*State* means a State or Territory of the United States of America, whether a State of the United States, American Samoa, the Commonwealth of the Northern Marianas Islands, the District of Columbia, Guam, Puerto Rico, or the United States Virgin Islands.

*Use* means operate, navigate, or employ.

*Vessel* includes every description of watercraft used or capable of being used as a means of transportation on the water.

[CGD 92-045, 58 FR 41607, Aug. 4, 1993, as amended by USCG-1999-5040, 67 FR 34759, May 15, 2002; USCG-2000-8589, 67 FR 42493, June 24, 2002]

## 33 CFR Ch. I (7-1-15 Edition)

### § 175.5 Exemption from preemption.

The States are exempted from preemption by Federal regulations when establishing, continuing in effect, or enforcing State laws and regulations on the wearing or the carriage of personal flotation devices directly related to the following subject areas within the jurisdictional boundaries of the State:

- (a) Children on board any vessel;
- (b) Operating a canoe or kayak;
- (c) Operating a sailboard; and
- (d) Operating a personal watercraft.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

### Subpart B—Personal Flotation Devices

#### § 175.11 Applicability.

This subpart applies to all recreational vessels that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel.

[CGD 92-045, 58 FR 41608, Aug. 4, 1993]

#### § 175.13 Definitions.

As used in this subpart:

*Personal flotation device* or *PFD* means a device that is approved by the Commandant under 46 CFR part 160.

*Throwable PFD* means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

*Wearable PFD* means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

[USCG-2013-0263, 79 FR 56499, Sept. 22, 2014]

#### § 175.15 Personal flotation devices required.

Except as provided in §§ 175.17 and 175.25:

(a) No person may use a recreational vessel unless—

(1) At least one wearable PFD is on board for each person;

(2) Each PFD is used in accordance with any requirements on the approval label; and